G. R. S. 58]

Previous references.

Ex. I 9 of 01

Later references.

1902-03

(Sep. Rev.)

G.R. File No. 214 of 02-03

Serial Nos. 1– 17

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1– 17

Major Part B for October 1903.

SUBJECT.

Claims to the toddy Revenue by the Joodidar of Mallenhalli Kadur Taluq Since transferred to Hosdurg Taluq.

1. From. Ramasastri Joodidar of Mallenhalli. Dt 18.10.02

Prays for the issue of orders for the toddy Revenue of this Inam for 96-96, being paid to him

2. To Excise Commissioner in Mysore No 222/Ex Dt 6-11-02

Forwards Ramasastri's petition for favour of early report.

3. From. Excise Commissioner No. 2888/12K Dt 20-11-02

Submits with opinion records of enquiry regarding the claim of the Inamdar of Mall

GPB—5,000—22-10-10

From. Ramasastri D) 27-11-02.

Invites our attention to his petition D) 18-10-02, praying for the payment of Revenue due to him.

5. From. Ramasastri & Lakshminarasimha Sastri D) 6-3-03

Prays for an early issue of orders on their appeal.

6. To Excise Commissioner & Comptroller in Mysore } No 465-6/Ex F 9-01 D) 31-3-03

Passing orders on the claim of the Inamdars of Mallenhalli.

7. To Ramasastri & Lakshminarayana Sastri Joshidars of Mallenhalli No 506/Ex F 9-01 D) 4-4-03

Informs that orders disallowing their claim to to ddy Revenue, have been passed.

8. From Ramasastri Lakshminarayanasastri D) 16-6-03. 21-4-03. Send reminder to their petition D) 6-3-03.

9. From. Rama Sastri & Lakshminarayana Sastri D) ~~21-4-03~~ 16-6-03

Request to Review the order of the Government on certain grounds pointed out.

10 To Excise Commissioner No 12/Ex F 9-01 D) 11-7-03

Requests the Submission of Records relating to the toddy Revenue of Mallenhalli.

11. From Excise Commissioner No 402/15 D) 14-7-03

Returns the Records of enquiry

12. To. Excise Commissioner Supdt. of Inam Settlement } No 154-5/Ex 9-01 D) 17-8-03

Invites a further expression of their opinion to certain fact noted in the letter. Regarding the claim of Inamdars of Mallenhalli.

13. From. Excise Commissioner Mysore 889/85 D) 28-8-03

Requests the Return of Records already Submitted in the Case

OFFICE OF THE DEWAN OF MYSORE, (1)

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

K 214
1902

Subject.

Letter No. 2888/1214 dated 22nd Nov. 1902 from the Excise Commr. in Mysore, submitting with opinion the record of enquiry recd: from the Dy: Commr. Kadur Distt. in regard to the claim to Excise Revenue from Toddy, preferred by the Jodidar of Mallenhalli Village, Kadur Taluk.

1. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
2. Serial numbers in file, &c., to be always stated.
3. Dates of important documents referred should be given.
4. Write on both sides, leaving the same side as margin.
5. ...vement of case in narrative form in regular sequence of subject matter or date.

Note.

The Sanad dated 3rd August 1826 concedes to the Jodidars two out of the three fourths but no express reference is made to abkari, Shendi or Sachal Syroo. When the Inam was confirmed in December 1870, the abkari and other items of Sayer duty (excepting Toddy tobacco) were reserved to Government. The above order of December 1870 was revised in August 1871 with reference to the resuming of the Sayer duty on tobacco allowing a reasonable reduction in the amount of Jodi payable by the Inamdars. In this order it was also observed that "the Shrotriemdars should lease out their date trees to the Abkari

Contractor and in that way only can derive the toddy revenue and not by sale without a license" -

Subsequent to this an endorsement No 618 of 24th Decbr 1873 was given to the Jodidars by the Superintendent of Inam Settlements, to the effect that "ಶೀಂದಿ ಇರುವ ಇಳ್ಳಿ ಮರಗಳ ಯಜಮಾನಿಕೆ ಯಾರಿಗೆ ಇರುವದೋ ಅವರಿಗೆ ಅವು ಇರಲಿ ಅಂತ ಆಜ್ಞೆ ಆಗಿದೆ ಅಂತ ಆಯಿತು ಅಂತ ಅವರಿಗೆ ತಿಳಿಸಿದೆ ಅಂತ ಆಯಿತು ಅಂತ ಬರೆದಿದೆ." For their claim to the toddy revenue (tax as well as rent) the Inamdars chiefly depend upon the above endorsement and their long enjoyment in support of which they have produced Kuchalikas executed in their favour by the toddy Contractors for the years 1841, 1845, 1852, 1853, 1854, 1862, 1864, 1879, 1885 & 1891 in all of which a stipulation is laid down that the toddy drawn from the trees of the village will be sold only to the residents of the same village in a shop to be therein located and not to the outsiders and that no toddy from outside will be brought to and sold in it. According

to these Vanchalkas the amount recovered by the Jodidars from the Contractors vary, from Rs. 1-5-4 to Rs36,

In the supplemental final quit-rent register of this village "toddy" is ~~recorded~~ said to be one of the items of revenue granted to the Inamdars.

The Inamdars contend that the title deed also is in their favour.

The Inamdars ~~have~~ deposed on 25th October 1894, that there existed some time back a shop in this village and that none existed then. Again on 21st Decbr 1901, Ramasastri one of the Inamdars ~~does~~ deposed that there existed all along a toddy shop in his village. Which of these statements is correct, is not known. The village is said to contain about 400 mature trees.

In recording his findings the Dy: Commr made no distinction between the rental of the trees and the toddy revenue. This was pointed out to the Dy: Commr by the Excise Commr and a further opinion called for after referring to the Revy accounts.

The

The Bering accounts not having been found, the Supdt of Inam Settlements was consulted on the subject who replied that "it was not usual at the Inam Settlement to draw a distinction between the right of the Inamdar to the Excise Revenue and the limited right to rent out the trees and that in the present instance however, the right seems to have been limited to the rent of the trees". The Excise Commr is therefore of opinion, differing from that of the Dy: Commr dated 25/12/01, that Toddy revenue entered in the Quit rent register, are intended to mean the revenue to be derived by leasing out the date trees as per settlement recorded in the settlement register, and that as the Sayer duty on tobacco ~~&~~ alone is conceded ~~according~~ to Samad, the abkari and other sayer duties are rightly reserved to Government in the Settlement records and that the amount said to have been recovered by the Inamdars from the Toddy Contractors represent nothing

+ No 59 Dy 19/11/02
Revs

Draft Memorandum for Collector

True
4-3-03

Hrw

The Dewan through the 2nd Counsellor - } Draft attached

12/3/03

Hrw
12/3

4
13

EK-75
10-3-03
12
13

8978
13-3-03

Draft referred by the Dewan. 2
issued. C.O. no 465-6 (5) dt 31/3/03
E 74.03

Office note continued

Now Ramasawmi, one of the Executors, has called a petn to Court. to review the above order of Court. on the following grounds:-

(1) That the opinions of the Deputy Collr & the Excise Comr. on which the Court based their above order are wrong;- the former - because it is opposed to the views expressed during the Income Settlements in 1871 & in 1873. and the latter

because the (8) revenue derived by the inamdars of Gen afford Gen depended upon the demand for today & the No. of trees taxed & does not represent therefore only the amount of tree tax but represents the ~~whole~~ entire revenue from today - and

(2) Next the secured & long continued enjoyment for over 50 years prior to 1892-93 establish the right to all the items of today's revenue —

Order from the Dewan through the Dy C

2/7/03

Pune
2/7/03

8/2-7-03. No case for a reconsideration of the order already passed seems made out - I would accordingly reject the application for review —

It would in every case be satisfactory if in such cases the party concerned could be given an opportunity of being heard before orders are passed

Recommend 3/7/03

02770
In this case the bankers have been heard - Issue the Sanad

6.VII.03

7/7

(11)

Mallenbelli Hoodmy godulg

Income claim to the todey

revenue.

In the Samad the

words used are "ಗ್ರಾಮದ ಶ್ರೀ

ಅಂಡ ಸೆಟ್ ಆಫೀಸ್?"

In the Income Register

of 18.11.70, "Toddy" appears as

an item of assets.

The Special Assistant

notes "the Alekari and other

items of Sayer duty are

preserved"

That officer again

on 14.8.71 in recommending

certain Concessions under

A. Sayer observed "the

"Shrotriemdars plaint

"base on the date true to

"the Alekari Contractor and

"in that way only can

"derive the toddy revenue

"and not by sale without a

"license".

In the Agreement with Rent Receiver in "Toddy" is one of the items of revenue granted to the Incumbent.

In his endorsement dated 24.12.73 the Inam Superintendent informed the Peon as follows:-

"The Shendi Bab has not been presented to Court. Both you should only lease out the Shendi trees to the Court Contractor and should not yourself sell (toddy) without a license". B.

In the Inam Commr's Circular no. 16 dated 13.2.71 the following instructions occur:-

"The toddy tax deserves particular notice; the Incumbent should understand that the

dated 6th July 1894 to the Excise Comr & the Income Supdt paid " It also appears that the late Income Superintendent, who settled the village - in qn, Considered the toddy item to be quite separate from "Abkari Revenue".

* Halige Vadenhalli Bangalore Taluk

Here is ample proof of enjoyment - but whether of tree rent only or of toddy revenue, is not clear. Apparently in those days there was no marked differentiation between the two.

In these circumstances the case seems to require further ~~[illegible]~~ inquiries & action - C.

I would state the case as above both to the Excise Comr & the Supdt of Income Settlements and ask for a further expression of their

(16)

action before either admitting or
rejecting the review application -

Memorandum

6/8/03

12060
7.8.03

Draw 718 7/8/3

03700

Marie Woolley. But the
word grant - or in other
words, the amount of the
lease exacted from the contractor
was all the amount revenue
or income which the Crown
could take. He could not
certainly demand today himself
or allow anyone to do so without
a license. This is one distinction
which the decisions of the Privy
Council intended to lay down -
& those decisions had not the
effect of limiting the scope of the revenue
This appeal also must be considered

10.VIII.03

Sub'd with Secy with address
Draw
11/8

DA. Draw 13/8.
Draft Letter
12/8 9/14.8.03.

Office note continued

further opinions of the Exec. Comr & the Deputy Supdt.
penial (12) were called for in no 154-5/E7.9.01 of 18/8/03 in the light of the observations made by the 2nd Councillor & the Dewan in pages 11 to 16 of this note
Ll 15 Letter no 2113/100 of 8/9/03 from the
Sl 16 Ex. Comr & no 42 of 11/9/03 from the Deputy Supdt were the perfies.

Both these offrs are of opinion that the claim of Mallenkulei of Coimbatore Taluk is different from the village in question. because there are often circumstances favourable to the inamdar in the case of the former.

The Deputy Supdt states that "it appears that the Deputy Supdt. Conceded nothing more than the right to lease the trees to the Govt. Contractor, and as this is a Concession involved in the tenure, it

as such need not have been made specifically. Save of coconuts the real-estate revenue, as now understood was not conceded at the Inam settlement. and the Special Court also states the real-the "Zoddy-jeer" used in the Settlement proper, the Quit Rent Register & the Inam Board's endorsement of 1873 represent nothing more. Then "tree rent" or other words previously denoted by leasing out the trees. as "Alkani" or "Panchabab", or "Shendi" or "Jehal Paimi" has not been expressly alienated by the Sanad & as none of these have been included in the Revenue of the village. with ref. to which Govt was pleased (vide para 2 of G.O. no. 3697-Rev. 30 of 8/10/73; para 5 of Inam Comrs Proc. no 16 of 13/2/(87) & clause 3 of para 16 of G.O. no 2074-85 - RA 166-92 of 2(8/07). The Ry. Comr. further adds

Raw the juice for the
manufacture of Jaggory in
earthen vessels besmeared inside
with lime to destroy its alcoholic
spirit - The inamdars were
strictly prohibited from vending
toddy as spirit without a
license but they were
permitted to vend upon
the ground on which any shop
might be opened"

In his review on the the
above Comr (Col Meade) remarked
as follows: "The Course adopted
in this case stated in para 64
is I think altogether free from
objection. An inamdar in
such a case is undoubtedly
entitled to rent his date trees
& the free toddy contracts

but the proprietors of the land
allowed to draw the Succession
for the purpose of Cultivating
it such Agency is very doubtful
Under the Trustee guarantee,
Ryots - Tenants and
all became proprietors of the
date trees growing on their lands
at the end of one year from the
date of Settlement & if such a
Concession were made to them
the todd revenue would be ruined"

It seems clear from the above
that in allowing the Inamdar
to rent the date trees to the
Govt Contractor, the intention
the Inam Com^r & the Civil
Com^r was that the Inamdar's

right in such a case was
coextensive with that of a
ryot under a Sunday guarantee
~~and talliche~~ Hence this right
(right to tree-rent according to modern
nomenclature) was not resumed
as it would otherwise have been
if it was considered to encroach
on the excise rights of
Govt. Of course the policy
did not prevail for long, as in
October 1873 this was given up in
favour of the present policy now
of obtaining, & giving the collections
to the Inamdars after deducting the
expenses of collection by Govt. There
seems however no doubt that
in the case of Govt Inamdhatti,

Hodinga case, the right to
the toddy excise, revenue was not
conceded to the Nawab at the
Inam Settlement. Whether in fact
decision in the similar case of Subramanya
para, Gopalrow's taluk is correct or the above view
or whether the decisions in the two cases can be reconciled
by some in which I would rather not
express any opinion. But the
Excise Comr & the Inam Supt
are satisfied that the Gopalrow
taluk case differs from the
present case.

19/5/03

Sd?

On the whole, the view already taken
in the case (against the Jodidars) seems to
be correct. The only doubtful cir-
cumstance is whether we are
right in importing the distinction
between tree-tax (excise) and

tree rent (agricultural) into
acts and orders prior to
the introduction of the pre-
sent System. The Supdt of
Rev Survey has stated that
this was unknown then.
It is difficult to say that the
Inamdar and the Abkari
Contractor had any Conscious-
ness of this distinction, and
that they regulated their dealings
so as to exclude any share of
the excise revenue going to
the inamdar. The difference
between the two cases is also
not quite clear.

23/9/03

To the Dewan,
through the 2nd. Councillor.

331/24-9-03
Comp. report

This Inamdar had a right
only to lease out the trees
in his Village. He could
neither draw toddy therefrom
nor sell it. There are three
three items - The first is
tree rent, the second is
tree tax & the third is
Abkari rent. I agree
to the Inam Supdt &
the Excise Comr I would
accept reject the petition

24/9/03

13175/25.9.03

24/9/03

only99

all right. Let's do

25.X.03

27/10/3

Received 1/12/15

No. 534

[illegible]

[illegible]

[illegible]

[illegible] 3-1-19[illegible]

By Order

[illegible signature]
For Secretary

True

ಅರ್ಜಿದಾರರು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ಸ್ವಂತ ಮನೆಯಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತಾರೆ.

ದಿನಾಂಕ 20.1.1903

ಅಧಿಕಾರಿಗಳ ಸಹಿ

Ex 101/31/01 1902 (1)

No. 1064

Name of Petitioner Ramalastree

Village Mullanahalli Jodedad Hosadurga Taluk — non residents in Jodi Shimlapoor

Taluk Chikkanaikanhalli

District Tumkur

Date of Arzi 18-10-02

Date of Receipt 20-10-02

Date of Disposal

No. of Enclosure Nil

S.R. 214/02

onbd

1) no stamps

2) order complained of not produced

Petition to be returned for both reasons

sd 20-10-02 Jo Ex Type B

29/10/02

Recd 31/10/02

Returned 31/10/02

Dasa

ABSTRACT

States that the revenue de from Toddy in the Jodi halli village has been tak Government since 1892, th after several applicatio the Dy Commissioner Chit Nagalur District (at Tiptu necessary, & may be Chitald District perhaps), it was fou that the matter has not Settled, that on Govt Sanction, an advan Rs 150/1. was given Account of Revenue 1892-93, 94-95 & nothing has been h Since that time.

MGCPB—4,000—31-1-02

this case may kindly
be considered and orders
passed to pay all the money
due as the petitioner feels
much inconvenience for
want of the above.

Yrs
27-10-02

No 222/4 Income Collection. Decean Affairs 3

(2)

Off Memorandum

SR 219/02

Rep. proceedings 10th/4 of 18th October 1902 from Ramaseshu, Jodidar of Mallanahalli village, ~~Hadadi~~ Kadur Taluk, praying for the issue of orders for ~~payment~~ the toddy revenue of the Inam village from 8th July last paid to him, is forwarded to the Excise Commr in Mysore for favor of an early report.

BC

3/11/02

for Secretary

E. 127 25/11/02

OF THE 1902-1903

5827

25 NOV. 1902

FROM

P. N. Narasinga Esquire B.A.
Excise Commissioner
in Mysore

To

A. V. Nanjundayya Esquire M.A.
Secretary to the Government of Mys
General & Revenue Department

SR 284/02

Dated 20th
Despatched 22 } November 1902
Received

E. 3

General No. 2888
No. 126

Enclosure No. one file
Record

Subject

Submits with opinion the
record of enquiry received
from the Deputy Commission
Kadur District, in regard
to the claim to Excise Revenu
from Toddy, preferred by
the Jodidar of Mallenahalli
village, Kadur Taluk.

Expln

Rec'd 25/11/02

Dec
24-11-02

E. 2 No 2229 6/11/02
4

Pulney

Taw

Excise Commissioner's Office

No. 2888/124 Bangalore, dated 20th November 1902

Encl. one file of records.

From

P. N. Purnaiya Esquire B.A.,

Excise Commissioner

in Mysore

To

A. V. Nanjundayya Esquire M.A. M.L.,

Secretary to the Government of Mysore

General and Revenue Department

Sir,

In submitting herewith the record of enquiry received from the Deputy Commissioner, Kadur District, with his letter No. 274, dated 8th May 1902, in regard to the claim to Excise Revenue from Toddy, preferred by the Jodidar of Mallenahalli, Kadur Taluk, I have the honor to state that the Deputy Commissioner's findings are seemingly conflicting. In his finding on the 25th October 1894, he has recorded — "I am of opinion that the Inamdars are entitled to the rental of the trees." But in his finding on the 21st December 1901, he says that the Inamdar is entitled to "Toddy Revenue" Both findings are based upon the same evidence. The Deputy Commissioner has evidently drawn no distinction between

Excise

Excise Revenue from Toddy and the revenue from the rent of the trees leased for drawing toddy. Therefore the Deputy Commissioner's attention was drawn to the following facts, and he was requested to submit further opinion after referring to the Beriz accounts of the year Sowmya in which the village was alienated:—

(1) The Sunnud does not show that Abkari Revenue is conceded.

(2) The Inam Settlement Register shows that the "Abkari and other items of Sayer duty are reserved, and that the Shotriemdars should lease out their date trees to the Abkari Contractor and in that way only can derive the Toddy Revenue."

In his docket No. 77, dated 27th October 1902, the Deputy Commissioner says that the Beriz accounts of the year Sowmya are reported by the Kadur taluk Amildar not to be forthcoming; and that the Inam Superintendent may therefore be asked on what the settlement is based. On addressing the Superintendent of Inam Settlement on the subject, he states in his docket No. 59 Inis' dated 19th November 1902, that "it was not usual at the Inam Settlement to draw a distinction between the right of the Inamdar to the Excise Revenue and the limited right to rent out the trees; and that

in

in the present instance however, the right seems to have been limited to the rent of the trees". It is evident from this that the words- "Toddy Revenue" entered in the Quit rent Register, are intended to mean the revenue to be derived by leasing out the date trees as per Settlement recorded in the Inam Settlement Register. Accordingly I am of opinion that the Deputy Commissioner's finding dated 25th October 1894 is correct.

2. The original Sunnud of the village has not been produced; but the contents of it are referred to in the Inam Settlement Register. An authenticated copy of it, produced by the Jodidar, shows that Abkari revenue is not conceded; and that "Hasal Dowmu", i.e Layer duty on the cultivation of tobacco, is expressly conceded to the Inamdar. Accordingly it is recorded in the Inam Settlement Register that "Abkari and other items of Layer duty are reserved"; and that the "Shotriemdars should lease out their date trees to the Abkari Contractor and in that way only can derive the Toddy Revenue". The amounts referred to in the lease deeds produced by the Jodidar, are evidently the rents of the date trees leased out to the Government Abkari Contractors for drawing toddy because the Contractors paid money to the

Inamdars

Inamdars for the date trees leased to them without drawing any distinction between the money for toddy or for the rent of the trees.

3. Under the above circumstances, I am of opinion that the Jodidar of Mallenahalli is entitled only to $\frac{1}{5}^{th}$ of the "Grove Farm rent" of the village under rule 4 in Government Proceedings No. 2074-83 / R.T. 166-92 dated 2nd August 1901

4. As in the Inam "Quit Rent Registers", the words – "Toddy Revenue" are indiscriminately used both with reference to Excise Revenue from Toddy and rent of the trees leased for drawing toddy, it is necessary that the investigating officers should invariably refer to the Settlement Registers or authenticated copies thereof and to the Summuds to ascertain whether "Abkari" or "Punchabab" or Excise Revenue from Toddy ("Shendi" or "Kallu" or "Edebettu") has been expressly conceded or reserved to Government.

I have the honor to be,
Sir
Your most obedient servant
M Virmaya.
Excise Commissioner
in Mysore

Deposition Sheet.

Section 357, C. P. Code.
Form No. 40, Criminal.

3 8

IN THE COURT OF the Deputy Commissioner Kadur District

Revenue Case No. 4 of 1897-02.

Deposition of Rama Shastri Witness for Claimant for the Dept. of Land Revenue

of Jodi Hallimahally Kadur Taluk.

Age 48.

Race Brahmin

Religion Hindu

Father's name Lingaya Shastri

Resident of Hallimahalli Kadur Taluq

Occupation Priest

Stamp answers. I have a statement read out, in the name I made in 1894 on 25th Oct I have nothing further stated. I have not been able to procure the original counted I produced it last at the late Hulegar Taluq cutcherry I do not write, decomposed with Govt for an average of 20 years now:
I claim the whole of the kyrie Rent.
I have one shop in my village this supplied for this in my vanam as well as for this in Govt vanam.
The trees in my vanam supply fluid shops as well
We have always been enjoying the

Central Jail Press, Bangalore.—27-9-97.—29,102.

Lyons Run: was also the property
the village.
I have produced all the evidence
in support of my claim.

Hoping you favourable to be continued.

Stt Sparks

Friday 21/12/07.

To the records produced it is
apparent that Lyons has been
supplying the Kootaloo Run under
all leases from the year 1841
The Crown Lands Regulations also allow
pastoralists to be entitled to Freehold
Rights of Occupancy in favour
of the claimant. Who is not willing
to compromise with Govt. for a lump
sum payment.

Stt Sparks

21/12/07

[illegible]

[illegible] 48

[illegible] 25 [illegible]

[illegible]

20 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Bangalore Region
20.10.90

1064

(3C) 1/2

MYSORE DRAWN
PETITION
REGD No 1064/R
DATE 20-10-90

Calendar of a claim to Todde Revenue enquired into by the Deputy Commissioner, Kadur District.

Name of Taluk	Name of Hobli Sammat or Nagani	Name of Sarvadikari, Jodi or Kayamgutta village	Name of Inamdar or Jodidar or Kayamgutdar	Documents or Records relied upon	Witnesses examined	Finding	Amount awarded if any	Grounds of decision
1	2	3	4	5	6	7	8	9
Kadur	Yagati (Cricle) Hallenahalli Jodi	Subba Shastri and 2 others.	The Quit Rent Register & Pike sheet vide exhibits 1 & 2 in the file.	Ramashastri.	That the Inamdar is entitled to Todde Revenue of the village under all claims.	Rs. 7/64-16-6	According to the Inam Settlement (Vide Exhibit B in the file) the Todde Revenue has been confirmed upon the Inamdars who have also produced documentary evidences in support of their long enjoyment.

Summary of the Judgment is as follows:—
Rs. a. p.
For 1894-95 to 1896-97 — 32 4 — on account of Government
For 19-- -- 1 — 27 — — on account of Inamdar
according to the Judgment

Kadur District.
Dated 21st March 1901.

Hill Sparkes
Deputy Commissioner
Kadur District.

Reference

17-12

1064 of 1902 ...

20-12-02

Transferred to the Excise Branch in continuation.

20-12-02

22/12/02

Rec'd on 23/12/02

Ex 160 / 23/12/02

1902

No. 1562

Name of Petitioner Ramasastri Judicar of

Village Jodi Mallenahalli (residing at Timmalapura Chikkanahalli)

Taluk Hosdurga

District

Date of Arzi 27-11-02

Date of Receipt 1st Dec 02

Date of Disposal

No. of Enclosure Nil

ABSTRACT

Inviting attention to his petition dated 10. oct 02 states that the amount of the today's realization of the Jodi Mallenahalli due to him since 1892 has not been paid to him in full & he is therefore run into debt & reduced to hard circumstances. He therefore prays that the amount of

MGCPB—5,000—10-11-02

due to him may on full
enquiry into his case may
be ordered to be paid to
him -

Sd
7-12-42

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REGD. NO. 1562 R
DATE 1-12-1902

By post
1.12.02

15.62

Reference

21
12-3-03

16-3-03

Transferred to the Excise Branch in continuation.

21
10-3-03

20/3/03

Sd

Sealed.

The claim has been disallowed & orders issued accordingly. This may therefore be quickly filed

True
3/4/03

Endorsement put up for observance

True.
3/4/03

Ee 381/20/3/02 — 1902-03 — (6) — 18/25

No. 2260

Name of Petitioner 1) Rama Sastry ~~and 2)~~ Lakshmi Narasimha Sastri, Joshidars

Village ~~Mallenahally (Jodi)~~

Taluk Hosdurg

District Chitaldrug

Date of Arzi 6.3.03

Date of Receipt 9.3.03

Date of Disposal

No. of Enclosure Nil

ABSTRACT

Pray for ~~the~~ early disposal of ~~the~~ final orders on ~~the~~ appeal in re the toddy Revenue of the Jodi village claimed by them, which case was heard in connection with the ~~the~~ February last, and for the disbursement of ~~the~~ ~~arrears of~~ toddy Revenue of ~~their~~ village collected by Govt ~~Sir~~ for the last 10 or 12 years

12/3/03

MGCPB—5,000—10-11-02

PETITION DEPARTMENT
REG'D. No 2260/03
DATE 9-3-03

By hand
9-3-03

2260

Proceedings of the Government of His Highness the Maharaja of Mysore

(5)

Read:-

Letter no 2888/124 dated 22nd November 1902 from the Excise Commissioner in Mysore submitting the record of enquiry relating to the claim of the toddy revenue of Jodi Mallenahalli village, since transferred to Kosadunga Taluk from Kadur Taluk as per G.O. no 4868-4908 R.T.16 of 1900, dated Bangalore 28th April 1902

SR 206/02

SC #6

Abdul 12/3/05

Order thereon:- no. 465-6 Ex 99-01, dated Bangalore 31st March 1903.

In the Sanad dated 3rd August 1826 alienating the village, no express reference is made to the toddy revenue of the

the village. When the Inam was settled in 1871, it was remarked that "the Shrotriemdors should lease out their Sale trees to the Abkari Contractors and in that way can derive the toddy revenue and not by Sale without a license." Subsequently an endorsement No 618 dated 24th December 1873 was given to the Jodidars by the Superintendent of Inam Settlements to the above effect, stating at the same time that the item of "Shendi" was not reserved to Government. It is upon this endorsement and their long enjoyment, in support of which toddy Contractors' Muchalikas for the years 1841, 1845, 1852, 1853, 1857, 1862, 1864, 1879, 1885, & 1891 exempted

Team
in favour ~~of Jodidars~~ were
produced, that the Jodidars
~~depended for~~ base their claim
to the toddy revenue. The
amount ~~recommended~~ recovered
by the Jodidars from the
contractors ranged from
Rs 1-5-4 to Rs 36/- per annum.

2. ~~A doubt having arisen~~
~~in the matter, the Super-~~
~~intendent of Inam Settle-~~
~~ments was consulted~~
~~and he~~ stated that it
was not usual at the
Inam settlement to draw
a distinction between
the right of the Inamdar
to the excise revenue
and the limited right
to rent out the trees;
~~and~~ but that in the present
instance, however, the
right seemed to have
been limited to the
rent of the trees.

The right of Inam Settlements whose opinion was invited

4

This though somewhat inconsistent with the previous endorsement of the Board by time, seems to be the proper conclusion, and

Concurring with this view of the Inam Superintendent the Excise Commissioner is of opinion that the Joshidars are not entitled to the Excise revenue from toddy, as is also of opinion that the amount recovered by the Joshidars represented nothing more than the rent of the trees. Government agree with these officers and hold that the tree rent alone is legitimately claimable by the Joshidars of the village in question. (2) In this connection it is observed that in the orders issued by the Inam department Government are not sure that there has been no inconsistency (3) as regards the documents to be referred to in Settling the claims, the instructions contained in para 3 of rule 18 of Govt order of 2nd August 1901 are sufficient.

from the 9 years 1892-93 under rule 4 of the rules issued with G.C. No 2074-83 of R.T. 166 97 2/8/01

I doubt whether this was meant to supersede the Inam Manual

Referring to the last para of the Excise Comrs letter

by investigating officers

to toddy revenue, Govt observe that

05-94 13.III.03

2 to Rev & Comm returning V.P. Rev Comptroller Rev & Agri Comm

9/3/03

Secretary

(6) 5

1902-03

GOVERNMENT OF MYSORE

EXCISE

PROCEEDINGS

Dated 31st March 1903

No. 465-6 / Ex. F. 9-01

Passing orders on the claim of the Inamdars of Jodi Mallenahalli village, Hosdurga Taluk, to the revenue of that village.

SBP—24-4-03—50

Proceedings of the Government of His Highness the Maharaja of Mysore, Excise, dated 31st March 1903.

READ—

Letter No. 2888—124, dated 22nd November 1902, from the Excise Commissioner in Mysore, submitting the record of enquiry relating to the claim to the toddy revenue of Jodi Mallenahalli village, since transferred to Hosdurga Taluk from Kadur Taluk, as per Government Order No. 4868-4908—R. F. 16 of 1900, dated Bangalore, 28th April 1902.

No. 465-6—Ex. F. 9-01, DATED BANGALORE, 31ST MARCH 1903.

ORDER THEREON.—In the Sannad dated 3rd August 1826, alienating the village, no express reference is made to the toddy revenue of the village. When the Inam was settled in 1871, it was remarked that "the Shrotriemdars should lease out their date trees to the abkari contractors and in that way can derive the toddy revenue and not by sale without a license." Subsequently an endorsement No. 618, dated 24th December 1873, was given to the jodidars by the Superintendent of Inam Settlements to the above effect, stating at the same time that the item of "Shendi" was not reserved to Government. It is upon this endorsement and their long enjoyment, in support of which toddy contractors' mutchalikas for the years 1841, 1845, 1852, 1853, 1854, 1862, 1864, 1879, 1885 and 1891 executed in their favor were produced, that the jodidars base their claim to the toddy revenue. The amount recovered by the jodidars from the contractors ranged from Rs. 1-5-4 to Rs. 36 per annum.

2. The Superintendent of Inam Settlements, whose opinion was invited, stated that it was not usual at the Inam Settlement to draw a distinction between the right of the inamdar to the excise revenue and the limited right to rent out the trees; but that in the present instance, however, the right seemed to have been limited to the rent of the trees. This, though somewhat inconsistent with the previous endorsement issued to the party by him, seems to be the proper conclusion; and concurring with the view of the Inam Superintendent, the Excise Commissioner considers that the jodidars are not entitled to the Excise revenue from toddy, as the amount recovered by the jodidars represented nothing more than the rent of the trees. Government agree with these officers and hold that the tree rent alone is legitimately claimable by the jodidars of the village in question from the year 1892-93 under Rule 4 of the Rules issued with Government Order No. 2074-83—R. F. 166-92, dated 2nd August 1901.

3. Referring to the last para of the Excise Commissioner's letter as regards the documents to be referred to by investigating officers in settling the claims to toddy revenue, Government observe that the instructions contained in para 3 of Rule 18 of Government Order of 2nd August 1901, are sufficient.

H. V. NANJUNDAYYA,
Secy. to Govt., Gen. & Rev. Depts.

To—The Excise Commissioner in Mysore, returning vernacular papers.
The Comptroller to the Government of Mysore.

Exd.—C.V.

No 506 dt 4/4/03
E.7.9-01

267

Endorsement

With reference to their petition dtd. No 2260 dt 20/3/03.
E.381

SR 214/02

Sl. 7

Policitui early orders on their claim to the toddy revenue of the Jodimallenahalli village Hosdurga Taluk, Ramarathi & Lakshminarasimha Sastri, are informed that orders have been issued disallowing their claim to the excise revenue from toddy, but admitting it only and allowing them only tree rent.

Bll
3/4/03

Tglee 3/4/03

Foreman.

Reference —

Ex458/27/5/03

1902-03 (8)

No. 2631

Name of Petitioner 1) Lakshmi Narasimha and Sastri

Village 2) Ramacharlu Jodidars of Mallenahally

Taluk (residing in Hosdurg Tk. Jodi Hemmalapura

District Chicknaikanhally Taluk Tumkur Dt.)

Date of Arzi 21-4-03

Date of Receipt 29-4-03

Date of Disposal

No. of Enclosure Nil

ABSTRACT

Reminder to their petn. Sealed on 6-3-03 praying for issue of orders to pay to the petrs. at an early date the arrears of Shendi Revenue due to them in respect of their Jodi village from the year 1891.

2260 of 902 ನೇ ಅರ್ಜಿಯ ಸಂಬಂಧದಲ್ಲಿ
ದಿನಾಂಕ 19-3-03ರಲ್ಲಿ ಆದೇಶವಾಗಿದೆ
ಆದೇಶ
14-5-03

Transferred to the Revenue Branch in connection

7/5/03

Sealed
This is a reminder to their petn. of 6/3/03 on which an endorsement has already been given to them vide no 506-279-03 of 4/4/03 the learned petn. may therefore be filed

8-5-03

9/5/03

MGCPB—5,000—10-11-02

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D No. 2631/R
DATE 29-4-1903

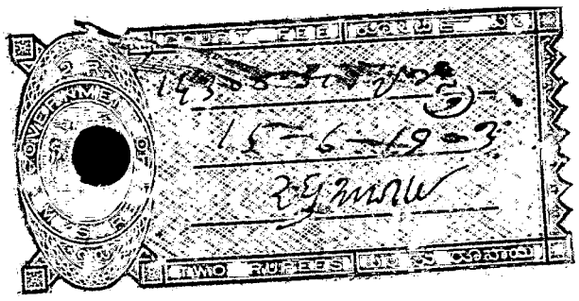
Bythur Mail
29.4.03

2631

the toddy income was 31
also excluded she could not
have been allowed to
enjoy the Sevil benefits
since 1871. Pray that Govt
will reconsider their order,
taking into favorable con-
sideration, petitioners
representations together
with the facts of the petitioner
having been granted
a "Sanad" so far back
as 1826, & his having en-
enjoyed the right ever
since then till 1892 and
of the opinion of the
Asst Superintendent
at the time of Inam Settlement

Cul
17-6-03

32



Two Deficit stamps affd. on one ₹ envelopes

P.B. Registered Thro' Ex B. 16/6/03

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 2973 R
DATE 16-6-1903.

2973

Before The Government of Mysore
Review petetion No
of 1902-03

Petetioner:— Ramasastry godidar
of Mallenahally, Hosadroog
Taluk, Chitaldroog
District.

petetioner begs to state as follows:

I petetioner is The godidar of Mallenahally, Hosadrooga Taluk. The godi was granted under a Sanad given to his ancestors in The year 1826. Ever since then he has been enjoying all The emoluments incidental to The holding, one of which is The right to The income arising out of The toddy trees, which are situated in his gody lands. From The year 1826 till The year 94-95 The petetioner and his ancestors have been enjoying The said right uninterruptedly.

II The petetioner ceased to to enjoy The said profits as The Government wanted to settle The rights of The godidars

godidars and Inamdars to the said profits. But Government was pleased to give them advances till the settlement of such rights and the petetioner was accordingly paid Rs 120/- as advance for years commencing from 92-93 to till 94-95.

III The petetioner having been deprived of the said income from 1891 applied to the Deputy Commissioner for payment of arrears of the Toddy income. The Deputy Commissioner having declined the petetioner appealed to Government. Government basing its opinion solely on the opinion of the Inam Superintendent which is quite contrary to his own opinion of 1873, and on the opinion of the Excise Commr. who bases his opinion on the amount of the income recovered by the godidars ordered that the petetioner is only entitled to the rent of the trees.

IV The petetioner begs to submit that the opinion of the Inam Superintendent is quite opposed to the opinion given by the said officer at the time of settlement

V The petetioner begs to invite your honor's attention to the Mysore Gazette dated 31st Octr. 1901, in which the procedure for determining the rights of the godidars to the said income is prescribed. According to the rules laid down there either the existence of a Sanad or other documentary evidence and in the absence of such documentary evidence uninterrupted enjoyment of such right for 50 years prior to 92, gives the godidar a right to the said income. The petetioner begs to submit that he not only holds a Sanad but also has been enjoying the said right since 1826 since the time of his ancestors.

Vide X
This is the G.O. of the 2nd account 07

Evidence cited by itself this does not give a perpetual right

VI In the very same Gazette it is laid down that the godidars who have a right to such income are not only entitled to the rent of the trees but also to the whole income arising out of the trees excluding the cost of contractors and other incidental expenses which the Government may have to incur. The petetioner comes under the classification of

If this is established & allowed.

of a godidar who has a right to the income of the trees and is therefore entitled to the entire income and not merely to the rent of the trees.

VII The petetioner further begs to submit that at the time of the Inam Settlement, the petetioner was deprived of some of the benefits of a godidar such as ~~Sayr~~ Sawyer income which he was previously enjoying and in consequence of that there was a proportionate reduction of the godi payable by the godidar viz by ~~Rs~~ 6¾ if the right to the toddy income was also excluded then, he could not have been allowed to enjoy the said benefit since 1871 and there should have been a further reduction of godi

VIII The petetioner therefore humbly begs that Government taking into their favourable consideration the above circumstances, together with the facts of the petetioner having been granted a Lamad so far back as 1826, of his having enjoyed the right since then till 1892,

№ 4990

[illegible]

Proceedings of the Government of Mysore

Read –

Letter No. 2888/124 dated 22nd November 1902, from the Excise Commissioner in Mysore submitting the record of enquiry relating to the claim to the toddy Revenue of Jodi Mallenahalli village, since transferred to Hosadurga Taluk from Kadur Taluk, as per Government Order No. 4868-4908 dated Bangalore, 28th April 1902 R. Ft. 16 of 1900.

No. 465-6 Ex. Ft. 9-01, dated Bangalore 31st March 1903.

Order thereon.— In the Sanad dated 3rd August 1826, alienating the village, no express reference is made to the toddy revenue of the village. When the Inam was settled in 1871, it was remarked that "the Shrotriemdars should lease out their date trees to the Abkari contractors and in that way can derive the toddy revenue and not by

Sale

sale without a license". Subsequently the
endorsement No. 618, dated 24th December
1873, was given to the jodidars by the
Superintendent of Inam Settlements
to the above effect, stating at the
same time that the item of
"Shendi" was not reserved to Government.
It is upon this endorsement and
their long enjoyment, in support
of which toddy contractors' muteharikas
for the years 1841, 1845, 1852, 1853,
1854, 1862, 1864, 1879, 1885 and 1891
executed in their favor were produced,
that the jodidars base their claim
to the Toddy revenue. The amount
recovered by the jodidars from
the Contractors ranged from Rs 1-5
to Rs 36 per annum.

2. The Superintendent of Inam
Settlements, whose opinion was invited
stated that it was not usual at
the Inam Settlement to draw a
distinction between the right of the
Inamdar to the Excise Revenue and
the limited right to rent out the
trees; but that in the present instance,
however, the right seemed to have
been limited to the rent of the trees.
This, though somewhat inconsistent
with

with the previous endorsement issued to the party by him, seems to be the proper conclusion: and concurring with the view of the Inam Superintendent, the Excise Commissioner considers that the Jodidars are not entitled to the Excise revenue from toddy, as the amount recovered by the Jodidars represented nothing more than the rent of the trees. Government agree with these officers and hold that the tree rent alone is legitimately claimable by the Jodidars of the village in question from the year 1892-93 under Rule 4 of the Rules issued with Government Order No. 2074-83 R.-F. 166-92, dated 2nd August 1901."

× × × ×

(Signed) A. V. Nanjundayya
Secretary to Government
General & Revenue Department

Mysore Secretariat
Genl & Rev. Secretariat

(10) 41

Office Draft. (Docket.)

~~Mysore~~ Dewan's Office,
Excise Branch.

To The Excise Commr
in Mysore

Date of passing the draft
Date of despatch 11/7/05

SR 2/05

Regd. No. 12
File No. & date (if any) 479/01.

No. of Encls.

R. 10

Has the honor
to request ~~the early~~
~~early~~ that the Excise
Comr will be
good enough to
submit to Govt
at an early date,
the records &
papers relative to the
inamdars' claims
to the toddy revenue
of the godi mallenhalli
village (Kadur
Taluk) since transferred
to the Hardware

Zacek, which
were referred
to him with C/O
no 465-6
E-79-01 of 31/3/03

B.C

Thanks

10/7/3

Bessey

8/7/03

Note
31/7/03

Office Draft. (Letter.)

Mysore Dewan's Office,
Branch.

To (1) The Excise Commissioner in Mysore.
(2) The Supt of Inam Settlement in Mysore.

Date of passing the draft 17/8/03.
Date of despatch 18-8-03.

Regd. No. 1545.
File No. & date (if any) Ex 79-01.

No. of Encls.

SIR,

Adverting to Govt Proceedings No. 465-6 Ex 79-01 dated 31st March 03 disallowing the claim of the Inamdar of Mallenahalli to Excise Revenue and to the Review petition presented by the Inamdar on the 6th June 03 requesting a re-consideration of that order, I have the honor to request you to state your opinion more fully a further Expression of your opinion in the light of the facts noted in the preceding paragraphs of this letter.

2. In the Sanad the words used are

"ಶ್ರೀಕರಣ ಶ್ರೀಕೃಷ್ಣ ಸಹಾಯ" ; while,
in the Inam settlement Register,
dated 18th November 1870, Toddy
appears as an item of assets.
The Special Inam Assistant has
noted therein that the abkari &
other items of Sayer duty, have
been reserved.

3. But on 11th August 71, the same
Officer, in recommending certain
concessions under Sayer, observes that
the Shotrieindars should base
out their daily hires to the Abkari
Contractor and that, in that way
only, they could derive the toddy
revenue, and not by sale without
a license.

4. In the Supplemental Quit
Rent Register, 'Toddy' is one of
the items of revenue conceded to
the Inamdars to whom the
Inam Sept gave an endorsement

on 21th December 73 the following effect :-

"The shendi Bab has not been reserved to Govt. But you should only lease out the Shendi trees to the Govt. Contractor and should not yourself sale (toddy) without a license".

5. The following instructions occur in the Inam Commissioner's circular No 16, dated 13th February 1871 :-

"The toddy tax deserves particular notice ; the Inamdars should understand that they cannot levy a license fee for the sale of this liquor. They may collect rent for the use of the ground on which the Shop is kept by licensed Govt. dealers. They may also lease out their date trees or Palm trees to Govt. Abkari Contractor. The proceeds derived under

this head should be the revenue from the Mahatsafa, Earthsalt, and iron forges, be included in the assets. The moment the Inamdar sends toddy as liquor, he commits a breach of Excise laws, and thereby renders himself liable to punishment."

6. In a case from the Gorakhpur District in which observations similar to those referred to in paras 3 and 4 of this letter, have been made at the Inam Settlement, the Inamdars' claim to Excise Revenue was rejected by Govt. on the recommendation of the Excise Commissioner. (Vide G. O. No 17-18 - Ex 7 10-01, dated 15th July 03).

7. The Inam Supt. in his letter No 1. dated 6th July 04, and advocated Excise Commissioner, observed

No. 1889/85

Excise Commissioner's office
Bangalore. Dated 28th August

From

P. N. Purnaiya Esquire BA.
Excise Commissioner
in Mysore.

To

H. V. Nunjundayya Esq: MA-MRL.
Secretary to the Government of
His Highness the Maharaja of Mysor
General & Revenue Departments

Sir,

With reference to your letter no: 154-5
& 79-6
dated 18th instant, I have the honour to
request that the records relating to the
Toddy Revenue of Jodi Mallenhalli village
Hosadrug Taluk, submitted with my letter
no: 402/15, dated 14th July 1903, may be
kindly returned for reference.

I have the honour to be,
Sir,
Your most obedient servant

For Excise Commissioner
in Mysore

Ex III 9/31/8/03

190

From P. N. Ramanuja Esq. BA
Excise Commissioner
in Mysore

To H. V. Nunjundayya Esq: MA.LL
Secretary to the Govt of
H.H. the Maharaja of Mysore
General & Revenue Dept:

Dated 28th August 1903
Despatched 28th August 1903

Received 31 AUG. 1903

General No. 1687
No. 85

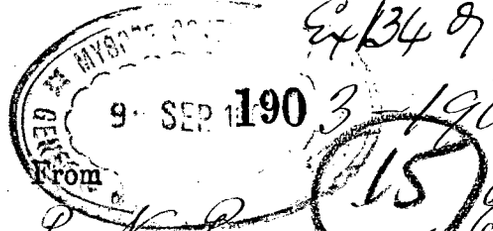
Enclosure No. ---

Subject

With reference to Secretary's letter no: 154-5 / Ex 7 9-01, dated 18th instant, Requesting that the records relating to the Toddy revenue of Godi Mallenahalli village, Hosadrug Taluk, submitted with his letter no: 402/15, dated 16th July 1903, may be kindly returned for reference.

Ecan
29.8.03

Ex B4 & 9/9/03



From

P. N. Narayana Iyengar Esquire B.A.
Excise Commissioner
in Mysore

To

H. V. Nanjundayya Esquire B.A. Offg.
Secretary to the Government of
His Highness the Maharaja of Mysore
General & Revenue Department

Dated 8th
Despatched 8 } September 1903
Received

General No. 2113
No. 100

8R 219/02

Enclosure No

8L. 15

In reply to Secretary's letter No. 154-5 Ex. A. 9-01 dated 18th August 1903, and docket No. 184 Ex. A. 9-01 dated 31st idem.

Subject

Submits a further expression of his opinion on the points referred to in the above regarding the claim to toddy revenue again urged by the Jodidars of Mallenahalli, Hosdrug Taluk.

Req. for G.O. no 1291 - Rev. 363 & 20/3/1877. Sent to Genl Records.

Reply from the Revenue Enfort received

11/9/03

Excise
8-9-03

MGCPB—50 reams.—6-12-02.

No 2113/100

Excise Commissioner's Office
Bangalore, dated 8th/8 September 1903

From

S. N. Purnaiya Esquire B.A.,
Excise Commissioner
in Mysore

To

M. V. Venkundayya Esquire M.A. Bar-at-Law,
Secretary to the Government of
His Highness the Maharaja of Mysore
-General & Revenue Departments

Sir,

With reference to your letter No 154-5/Ex-71-9-01, dated 18th August 1903, and docket No 184/Ex-71-9-01, dated 31st idem, I have the honor to state that a distinction should be drawn between alienated villages settled under the rules in the late Inam commissioner's Circular No 16, dated 13th February 1871, and those settled under the revised rules in the late Chief Commissioner's Proceedings No 3697-Revenue dated 8th October 1873. In para 4 of the former it is laid down that Sayer and Abkari revenues should be resumed and reserved in the hands of the Government to prevent smuggling; in para 5, it is laid down that when these items are expressly alienated in the Sunnads, or included in the assets of an Inam village by Dewan Purnaiah, compensation should be paid by deducting the average of the last 10 or 5 years' collections from the Quit rent or combined Quit rent upon the Inam village; and as all the items of Abkari revenue had accordingly to be resumed the position of the Inamdars who possessed toddy trees and shops, is defined in para 6 as to how and what revenues they could derive

derive from toddy trees and shops if any after such resumption. Vide para 7 of Government Proceedings No 12917—Rev. 363, dated 20th March 1877. In para 10 of the latter, it is stated that the Chief Commissioner is decidedly of opinion that the system of collecting the Sayer and Abkari revenues in Kayemgutta and Jodi villages by Government agency, and paying the residue to the holders after deducting a proportionate share of the cost of collection, should be continued in preference to deducting the amount of compensation from the Gutta or Jodi; in para 2 it is laid down that in the case of Kuttadars or Jodidars who are expressly authorized in their sunnads to levy Sayer and Abkari, where these as well as of estates' receipts were included in the assets upon which Gutta or Jodi was fixed, the payment of the amount realized minus the cost of collection should be continued as long as the said dues are collected by Government; and in para 5 it is laid down that no compensation is necessary under existing orders for resuming the privilege of vending toddy from trees situated in private villages, as their holders are at perfect liberty to lease them out to the Government Contractors or utilize them in any way except by vending liquor without a license from Government. Both para 6 of the Inam Commissioner's Circular and para 5 of the late Chief Commissioner's Proceedings above quoted, have been amplified by para 7 of Government Proceedings No 12917—Rev. 363, dated 20th March 1877.

2. The Jodi Mallenahalli village, Hosadurga Taluk

Talak, was settled in accordance with the Inam Commissioner's Proceedings of February 1871. In the Summad of this village, no word indicating any item of Toddy Revenue is mentioned. The words used in it are "Sayer, Pomm" &c, for which a Separate Jodi of 4 pagodas was fixed in addition to the Beriz of 52 pagodas. "Pomm" generally means a bundle or load, and it also means the custom or duty for a load. Vide Sanderson's Kanarese and English Dictionary. In the Inam Settlement Register of the village, "Pomm" is defined to be a tax levied for the cultivation of tobacco at 1½ annas per annum from the cultivator. As per Special Inam Assistant's review dated 14th August 1871, recorded in column 20 of the Inam Settlement Register, the original Summad dated 3rd August 1826, was examined by him. He says — "I have examined it and found it to convey permission "to the Jodidars to levy Sayer Pomm or "tax levied on sundry goods brought "in small quantities. In other words the "Government demand upon this village "should be confirmed to what was fixed "upon it by Dewan Purnaih in his "Settlement of 1801, namely 56 conteroy "pagodas, of which 4 pagodas formed "the value of the resumed Sayer duty."

It is also recorded in this Register that a statement was submitted by the Amildar to the Inam Commissioner in May 1871,

showing

Goribidnore taluk, which was also settled in accordance with Inam Commissioner's Proceedings of February 1871, is different from the above. Toddy Revenue of this village is distinctly mentioned in Sunchabab accounts, and it was excluded clearly from the Sarkar Jama. As shown in the Inam Settlement Register, the word "abkari" reserved to government is limited to "arrack". No compensation was granted or deducted from Jodi on account of Toddy Revenue. In the Settlement Register, it is stated — "The Inamdars should not under the present abkari Rules, draw & vend toddy as a spirituous liquor; they may rent their trees to government contractors and derive a revenue." This means that they cannot distil spirit from Toddy and sell it as such.

5. For ready reference the facts relating to both the villages, are summed up below in ~~juxta position~~:-

Mallenahalli Jodi village, Hosdrug taluk	Mallenahalli Inam village, alias Subramanyapura Goribidnore taluk.
(1) In the Sannad no word indicating any item of Toddy Revenue is mentioned, the words used in it being Sayer Pomme &c, which mean Sayer duty on sundry articles brought in small quantities.	Nirup, dated 1801 not produced. Copy of 2nd Nirup, dated 1810 is produced. In it it is directed that more than the Jodi should not be collected whatever produce the Inamdar may raise in the village.

(2) The accounts furnished by the Amildar for the Inam Settlement, show collections only under Sayer and Sunnu

The accounts show that collections on account of "Shendi Bikari" (vend) and Toddy trees were made by Government, and paid to the Inamdars. In the Inam Settlement Register also it is stated — "The Tad of Toddy is excluded from the Sirkar Jama, and the Jodidars enjoy it unmolested. It is distinctly mentioned in the Sarkar Punchalab accounts, and in 1861 the Sum of Rs 42-11-0 was paid to the Jodidars as the revenue was realized for that year by Sirkar agency."

(3) In the Inam Settlement Register it is recorded — "The abkari and other items of Sayer duty are reserved. XXX The Shotriemdars should lease out their date trees to the Abkari Contractor, and in that way only can derive the Toddy revenue and not by sale without a license."

In the Inam Settlement Register it is recorded — "As regards the items of extra revenue, the Inhabitants may be left to the Inamdars reserving to Government the Sayer and Abkari. The latter item arrack has already been resumed apparently without payment of any compensation, and this question will not now be reopened. The other item of abkari revenue; viz toddy deserves some consideration. The Inamdars should not under the present abkari Rules

draw and vend toddy as a spirituous liquor; they may rent their trees to Government Contractor and derive a revenue and collect rent on the ground occupied by the shop. They are debarred from issuing licenses for its sale, which is a privilege exclusively reserved to Government."

(4) The accounts show that no arrack revenue was enjoyed.

The accounts show that arrack revenue also was enjoyed, indicating that both arrack & Toddy revenue was alienated to the Jodidars.

(5) The Inam Settlement Register shows that a compensation of Rs 67 was granted on account of the resumption of "Sayer Saimmu"

The Inam Settlement Register shows that a compensation of Rs 3-4- was granted on account of "Sunka or Sayer; but that no compensation was granted on account of the resumption of arrack and Toddy revenue.

(6) The word "Shendi" not being used in the Summad or accounts, the word "Toddy Revenue" occurring in the Inamtchalikas, Quit rent Register &c of this village, should be

As the old accounts and the Inam Settlement Register show that payments were made to the Jodidars on account of "Shendi Bikai" (rent) and Toddy trees, the words — Toddy Revenue" should be understood in

be understood in the limited sense of the rent of the trees leased to Government Contractors for drawing toddy

in the sense of all items of Excise Revenue from Toddy, as well as the rent of the trees leased for drawing toddy.

I have the honor to be,
Sir,
Your most obedient servant
M. Srinivaya
Excise Commissioner
in Mysore
Toddy

Ex 138 & 12/9/03.

MYSORE GOVERNMENT GENERAL & SECRETARIAT 1903 12 SEP. 1903

16

Excise
12.9.03

From

THE SUPERINTENDENT OF
INAM SETTLEMENTS IN MYSORE,
BANGALORE.

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 11th
Despatched 11th } September 1903
Received

No. 42 of 1903-04

Enclosure No.

SR 24/02

SL 16

Sir,

With reference to your letter No. 154-5 Ex. F. 9-01 of the 18th August 19 requesting my opinion in the matter of the claim of the Inamdar of the Mallenhalli Jodi Village, Hosadroog Taluk, to the Excise Revenue, I have the honor to state that the case from the Goribidanur Taluk quoted in para 6 of the letter under reply, is not analogous to the present one. It appears that the Inam Department conceded nothing more than

than the right to lease the trees to the Government Contractor, and, as this is a concession involved in the tenure, it, as such, need not have been made specifically. I am of opinion that the Excise Revenue, as now understood, was not conceded at the Imam Settlement.

I have the honor to be,

Sir,

Your most obedient Servant.

J D Sprunt

Superintendent of Imam Settlements in Bygone

J.B.

Mysore Local
Civil & Rev. Jurisdiction

No. 346
E.7-9-07

~~MYSORE DEWAN'S OFFICE,~~
~~PETITION~~ DEPARTMENT,

The 29th ~~September~~ October 1903

ENDORSEMENT GRANTED TO Ramaseshaiah, Jodidar of Mallenahalli, Hosdurga Taluk, Chitaldrug District

in reply to his Petition Registered No. 2973 / E.565 dated 16th / 20th June 1903 praying for a reconsideration of the Court Order No 465-6 E.7-9-07 of 31st March 03, disallowing his claim to the ~~Todry~~ Taree pursuit of the Hosdurga village.

Petitioner is informed that Court do not see any reason to ~~interfere with~~ alter the order already passed by them on full Consideration of all the circumstances of the Case.

His Pet. 4-11-03

By Order

Secretary

Issued 17-9-03

E.T.C.

No. 347/4477-01

Copy to Electrical Comm.
in response with ref. to
his letter no. 2113/100 dt 8/11/03.
The record of the case is herewith
returned.

Encl.

Secy

True
17.9.

14. To. Excise Commissioner No 184/Ex 9-01, D 31-8-02

Returns the Record.

15. From. Excise Commissioner Mysore No. 2113/100 D 8-9-03

Submits a further expression of his opinion on certain points of Regarding the claim of Inamdar

16. From. Superintendent of Inam Settlement. Mysore No 42 D 11-9-03

Submits his opinion in the matter of the claim of Inamdars of Hallenhalli

17. To. Ramaseshi. Joshi of Hallenhalli

No. 346/Ex E 9-01 D 29-10-03.

States that the Government do not see any reason to review the orders already passed

X To. Excise Commissioner. Mysore. 347/Ex E 9-01 D 29-10-03

Forward a copy of the above order with Record

Commissioner